

REMARKS

Favorable reconsideration and allowance is respectfully requested for claims 1-20 in view of the foregoing amendment and following remarks.

An information disclosure statement is submitted herewith providing German Patent Document DE 29710511 U1.

Claims 1, 3-5, 8-9, 14 and 16-17 were rejected under 35 USC § 102(b) as being unpatentable over Grossman. This rejection is respectfully traversed.

Grossman does not disclose or suggest, among other features, at least one duct which is connected to an evacuator assembly for an abrupt evacuation of the gas in the event of a crash, a vacuum being applied automatically in event of said crash. Grossman discloses a vehicle seat which conforms to an occupant by way of switch 22 which controls an extraction pump 20. The switch 22 does not provide an automatic vacuum being applied to the back rest 3. Only manual operation of the back rest and head rest is disclosed in Grossman. Thus, it is respectfully submitted that the claimed invention is not anticipated by Grossman, as noted above. Accordingly, withdrawal of the rejection is respectfully requested.

Since claims 2-13, 15, 16, and 18 depend from claims 1, 14 and 17, these claims are also patentably distinguishable over the cited references for at least the reasons given above in response to claim 1. Accordingly, withdrawal of the rejections is respectfully requested.

We would like to thank Examiners Burnham and Cuomo for their courtesies extended during the personal interview of August 6, 2003. At the

interview, the automatic response of the headrest was discussed. No agreement however was reached.

Claims 2, 15 and 18 were rejected under 35 USC § 103(a) as being unpatentable over Grossman in view of Cuevas. Claim 5 was rejected based upon Grossman in view of Parrish. Claims 6 and 7 were rejected based upon Grossman in view of Thorne. Claims 11-13 were rejected based upon Grossman in view of Kunz et al. These rejections are respectfully traversed. Neither Kunz et al., Parrish, Cuevas nor Thorne, disclose or suggest, at least one duct which is connected to an evacuator assembly for an abrupt evacuation of the gas in the event of a crash, a vacuum being applied automatically in the event of said crash. Kunz et al. discloses a handicap bath assistant device and is unrelated to the art. Parrish discloses a support system for a seat and does not disclose any automatic activation in the event of a crash. Cuevas discloses a vehicle restraint apparatus which inflates a bladder 50 when a crash condition is indicated. Cuevas does not show a vacuum being applied in the event of a crash. Thorne shows an energy dissipating support device which does not have any automatic vacuum being applied. Thus, it is respectfully submitted that the claimed invention is patentably distinguishable over the cited references. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/50217).

Respectfully submitted,

September 29, 2003



Donald D. Evenson
Registration No. 26,160
William G. Ackerman
Registration No. 45,320

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
DDE/WGA/mys: